IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIV**IL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.499 OF 2002
IN
APPEAL FROM ORDER 950 OF 2001

Vithal Muktaji **Mahale (deceased)** .. Applicants.
through his legal heirs

Versus.

Ishwardas Tulsi**das Bairagi** .. Respondents
(deceased) through his legal
heirs

Mr.K.S.Patil with P.N.Joshi for applicants.
Mr.M.M.Sathe for Respondent Nos. 2(a) to 2(e), 3 to 7.
Mr.Anilkumar Patil for Respondent Nos. 1(a) to 1(i).

CORAM: V.M.KANADE,J
DATE : 27.10.2005

P.C.

1. This is a Civil Application for bringing the legal heirs of appellant No.2 on record. Learned counsel for Respondents opposed the application saying that the delay in filing the application is caused intentionally and the fact of death of appellant no. 2 was known to the applicants. Submission of learned counsel for Respondents cannot be accepted as it is an admitted position that the heirs of appellant no. 2 were already brought on record. In view of this the delay in filing

the application is condoned. Names of applicant Nos. 2(a) to 2(e) are allowed to be brought on record as legal representative of applicant No.2. Abatement of appeal is set aside. Civil Application is allowed in above terms. Amendment to be carried out within four weeks. Appeal from Order to be placed on the final hearing on board in the week commencing from 21st November 2005.

2. Civil application stands disposed of accordingly.

(V.M.KANADE,J)